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REMARKS

As of the date of the present Office Action, Claims 2, 5, 7, 14, 29-34, 39, and 41 were pending. Applicants appreciate the Examiner's removal of his previous rejections. The remaining two rejections are discussed in the following order:

- 1) Claims 2, 5, 7, and 41 stand rejected under 35 U.S.C. §102(b), as allegedly being anticipated by Carr (WO 98/52976), in light of Collen (U.S. Pat. No. 5,951,980); and
- 2) Claims 2, 5, 7, 29-34, and 41 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over Claim 7 of co-pending Application Ser. No. 09/768,080.

1) The Claims Are Novel

The Examiner has rejected Claims 2, 5, 7, and 41 under 35 U.S.C. §102(b), as allegedly being anticipated by Carr (WO 98/52976; "Carr"), in light of Colleen (U.S. Pat. No. 5,951,980 "the "Collen Patent"). Applicants reiterate their arguments regarding the functions of streptokinase and stress that the Carr reference does not teach a kinase having reduced allergenicity. Nonetheless, in order to further their business interests and prosecution of the present application, yet without acquiescing to the Examiner's arguments, Applicants have amended Claims 1 and 41 to remove the recitation of "kinase." Applicants expressly reserve the right to prosecute the originally filed and/or similar Claims in one or more subsequent applications. As Carr does not teach each and every element of the presently claimed invention and the Collen Patent does not add the missing elements, as required for anticipation², Applicants respectfully submit that the Claims are allowable. Applicants respectfully request that the Claims be passed to allowance.

² Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention." (*RCA Corp. v. Applied Digital Data Sys., Inc.*, 730 F.2d 1440, 221 USPQ 385, 388 (Fed. Cir. 1984)).

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2) There is No Double Patenting

The Examiner has provisionally rejected Claims 2, 5, 7, 29-34, and 41 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over Claim 7 of co-pending Application Ser. No. 09/768,080. Although Applicants do not believe that there is double patenting, upon notification that the Claims are in condition for allowance, Applicants will file a Terminal Disclaimer (via fax, if the Examiner would find that helpful).


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CONCLUSION

All grounds of rejection and objection of the Final Office Action of April 19, 2004, having been addressed, reconsideration of the application is respectfully requested. Applicants respectfully submit that the pending claims are in condition for allowance and issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 846-5838.

Respectfully submitted,

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